

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

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JOSEPH STEVENS & COMPANY, INC.,
Petitioner,

vs.

Case No.08 C 706

DAVID CIKANEK,
Respondent,

Hon. Amy St. Eve

and CITIBANK, N.A.,
as Citation Respondent

----- X

PETITION FOR TURN-OVER ORDER

Pursuant to FED.R.CIV.P. 69(a) and Section 2-1402 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1402, David Cikanek (the Respondent in this action), hereby submits his Petition for a turn-over order, assigning to a client funds account of his attorney Renan Sugarman the assets of Joseph Stevens & Co., Inc., disclosed by Citation Respondent Citibank N.A. ("Citibank") to be on deposit with Citibank. In support of this petition, the undersigned states:

1. On July 21, 2008, this Court entered a money judgment in favor of David Cikanek and against Joseph Stevens & Co., Inc., in the amount of \$238,519.00, confirming an arbitration award in favor of David Cikanek of \$213,750 (plus prejudgment interest).
2. FED. R. CIV. P. 69(a) provides that the enforcement of a judgment in Federal Court shall be in accordance with the practice and procedure of the laws of the state in which the court sits; to wit, Illinois. Section 2-1402 of the Illinois Code of Civil Procedure provides that the judgment creditor may commence supplementary proceedings by requesting the issuance of a Citation to the third party who is thought to be in possession or control of the judgment debtor's property. Accordingly, the undersigned requested and obtained a Citation to Discover Assets to Citibank, and duly served the same upon Norma C. Rivas, an Assistant Manager of Citibank at 69 West Washington Street, in Chicago.

3. On August 14, 2008, the undersigned received from this Court's Electronic Filing System a document filed in this case in the name of Citibank. In that filing, Becky Comenzind, an agent of Citibank, disclosed that Citibank had on deposit \$82,688.19 in a checking or NOW account belonging to Joseph Stevens & Co., Inc. (EXHIBIT A)
4. No amount of the judgment has been paid to date.

For the reasons set forth above, this Court should order Citibank, N.A., to turn over the assets of Joseph Stevens & Co., Inc., disclosed to be on deposit by Citibank, and should direct such turn-over to the Client Funds Account of Renan Sugarman, P.C., attorney at law, Account #1879367, maintained at Northern Trust Company, 50 South LaSalle Street, Chicago, IL 60603, or alternatively to the Client Funds Account of the undersigned's law firm, Blau & Malmfeldt Client Funds Account, also maintained at Northern Trust Company at the same address (Account #3800270161).

Respectfully submitted,

/s/ Leslie A. Blau

Leslie A. Blau

Dated: August 20, 2008
Chicago, Illinois

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CERTIFICATE OF SERVICE

The undersigned certifies that today, August 20, 2008, this document was served **BY FAX**, to fax numbers (916) 341-2633 and (718) 248-1225, and also **BY FIRST CLASS MAIL**, upon:

Restraining Orders Unit
Citibank, N.A.
c/o Legal Service Intake Unit
1 Court Square
Citicorp at Court Square – 7th Floor
Long Island City, NY 11120

The undersigned further certifies that this document was filed electronically in compliance with the General order on Electronic Case Filing, Section III (B)(1). As such, these documents were served on all counsel, including Mr. Russo and Ms. Cohen, who are deemed to have consented to electronic service. Fed. R. Civ. 5(b)(2)(D) and Local Rule 5.9.

/s/ Leslie A. Blau
Leslie A. Blau

One of the Attorneys for David Cikanek

Dated: August 20, 2008

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